

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERTO DURAND,

Plaintiff,

v.

ELY STATE PRISON, *et al.*,

Defendants.

Case No. 3:19-CV-00460-MMD-CLB

**ORDER DENYING MOTIONS FOR
DEFAULT AND TO COMPEL**

[ECF Nos. 34, 35]

Plaintiff Roberto Durand ("Durand") has filed two motions. The Court will address each motion in turn.

I. Request for Entry of Default (ECF No. 34)

Durand filed a First Amended Complaint on October 2, 2020. (ECF No. 12.) The Court screened the First Amended Complaint ("FAC") pursuant to 28 U.S.C. § 1915A. (ECF No. 16.) The Court permitted Durand to proceed on claims of retaliation and deliberate indifference to a serious medical need against one Defendant, Jessica Lucchesi ("Lucchesi"). (*Id.*) Lucchesi was served and responded to the FAC by filing a motion to dismiss on April 29, 2022. (ECF No. 32.) Therefore, Durand's motion for entry of default is **DENIED**. (ECF No. 34.) Durand's response to the motion to dismiss is due on or before May 16, 2022.

II. Motion to Compel Opposition to Motion for Summary Judgment (ECF No. 35)

Durand filed a motion to compel an opposition to motion for summary judgment. (ECF No. 35.) No motion for summary judgment has been filed in this case. Therefore, Durand's motion is **DENIED as moot**. (ECF No. 35.)

DATED: May 11, 2022.


UNITED STATES MAGISTRATE JUDGE